

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF MUSKEGON

INFORMATION SYSTEMS
INTELLIGENCE, LLC,

Plaintiff/Counter-Defendant

v

COUNTY OF MUSKEGON,

Defendant/Counter-Plaintiff,

v

HEATH KAPLAN,

Counter-Defendant.

No. 16-694-CB

**AMENDMENT TO
FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

At a session of said Court held in Lansing, Ingham
County, Michigan, on January 6, 2020

PRESENT: Honorable Joyce Draganchuk
Ingham County Circuit Judge,
Sitting by assignment as
Muskegon County Circuit Judge

Following a bench trial on the issue of damages only, the Court issued Findings of Fact and Conclusions of Law. ISI filed a Motion for Limited Rehearing or Reconsideration that raised an issue regarding the interest awarded on the judgment. MCR 2.119(F), cited by ISI, is for reconsideration of a ruling on a *motion*. The Court has nevertheless considered ISI's motion as being more accurately brought as a motion to amend the findings of fact brought under MCR 2.517(B).

The County has also filed a Limited Motion to Amend Findings of Fact and Conclusions of Law Under MCR 2.517(B) that raised an issue regarding the damages awarded for lost profits.

Following consideration of both motions, the Court amends the Findings of Fact and Conclusions of Law as follows:

I. Breach of the MSA

C. Lost profits from equipment and software sales

The \$500,000 awarded in damages is reduced to \$250,000. The \$500,000 figure represented gross sales. ISI should only be awarded its net profits. Leestma testified that ISI's profit margin on the equipment sales was 50%. Therefore, the Court finds that ISI's lost profit on the equipment and software sales is \$250,000.

D. Interest

The MSA provided for a 1% late fee. The Court previously awarded 1% up to the filing of the Complaint. The award should be amended to allow the 1% late fee to accrue until the County pays all past due amounts. This interest is in addition to the statutory judgment interest rate awarded under MCL 600.6013.

/S/

Joyce Draganchuk (P39417)
Circuit Judge

PROOF OF SERVICE

I hereby certify that I served a copy of the above Findings of Fact and Conclusions of Law upon the attorneys of record by placing said document in sealed envelopes

addressed to each and depositing same for mailing with the United States Mail at Lansing, Michigan, on January 6, 2020.

/S/

Michael Lewycky
Law Clerk/Court Officer